

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Section 68.4(a) of the Commission's Rules)	WT Docket No. 01-309
Governing Hearing Aid-Compatible Telephones)	
)	
Dobson Communications Corporation Petition)	
for Waiver of Section 20.19(c)(2)(i) of the)	
Commission's Rules)	

To: The Commission

**DOBSON COMMUNICATIONS CORPORATION
SUPPLEMENT TO PETITION FOR WAIVER
OF SECTION 20.19(c)(2)(i) OF THE COMMISSION'S RULES**

Dobson Communications Corporation ("Dobson") hereby supplements the above-referenced request for waiver of Section 20.19(c)(2)(i) of the Commission's rules filed on September 8, 2005, in order to account for the Commission's decision in the *Memorandum Opinion and Order* in the above-referenced proceeding and the relief from the requirements of Section 20.19(c)(2)(i) reflected therein.¹ In the *Order*, the Commission responded to a request filed by the HAC Incubator Working Group 9 and a petition for waiver filed by Cingular Wireless LLC ("Cingular"), but provided temporary relief generally to all entities who use the Global System for Mobile Communications ("GSM") air interface protocol. Specifically, the Commission announced for the first time² that these entities would be deemed compliant with their hearing aid-compatible ("HAC") handset obligations through August 16, 2006, by offering

¹ 47 C.F.R. § 20.19(c)(2)(i); *Memorandum Opinion and Order*, WT Docket No. 01-309, FCC 05-166 (rel. Sept. 8, 2005) (the "*Order*"); Dobson Communications Corp., Petition for Waiver of Section 20.19(c)(2)(i) of the Commission's Rules, WT Docket No. 01-309 (filed Sept. 8, 2005) ("Dobson Petition").

² It must be emphasized that until last Thursday, there was no reason for GSM carriers, like Dobson, to purchase these types of handsets – even if they were available – since they would not have satisfied the regulatory requirement.

dual-band handsets that meet a U3 or higher rating in the 1.9 GHz band regardless of the 850 MHz band rating.³

As discussed below, even with this new ruling in place, Dobson will not be able to meet the upcoming September 16, 2005 deadline by which it must offer two HAC handset models that use the GSM air interface. Because the Commission did not provide any transitional period for entities availing themselves of the temporary relief available in the *Order*, Dobson requests an additional sixty days, until November 15, 2005, to obtain, test, distribute and then offer two GSM dual-band HAC handset models to consumers as required by Section 20.19(c)(2)(i), as now construed.

Dobson acknowledges that both Cingular and Samsung Telecommunications America, L.P. (“Samsung”) have filed petitions indicating that at least two dual-band HAC handset models are available that utilize the GSM protocol.⁴ However, as already discussed in its waiver, Dobson does not have the purchasing power of a national carrier, and indeed does not currently purchase any handsets directly from manufacturers. Rather, Dobson (like most carriers of its size or smaller) is dependent on the available inventory of any specific model of handset that may be on hand in its vendors’ inventories.⁵

To the best of Dobson’s knowledge based on the belief of its engineering experts, none of the handsets currently sold by Dobson satisfy this new requirement (and of course there are no handsets that satisfy the existing rule requirements). Dobson is therefore currently polling its

³ See *Order* at ¶ 14.

⁴ See Cingular, Petition for Waiver of Section 20.19(c)(3)(i)(A) of the Commission’s Rules, WT Docket No. 01-309, at 30 (filed Aug. 5, 2005) (stating that it will offer at least four handsets that meet a U3 rating at 1.9 GHz provided that all necessary equipment approvals have been timely obtained); Samsung, Request for Waiver of Section 20.19(c)(1)(i) of the Commission’s Rules, WT Docket No. 01-309, at 8 n. 21 (filed Sept. 2, 2005) (stating that Samsung offers the P207 and D357 GSM dual-band handset models that meet a U3/M3 or higher rating in the 1.9 GHz band).

⁵ Dobson Petition at 6.

resources in the manufacturer and carrier community to determine which models manufactured by *any* GSM handset manufacturer are currently tested to the newly announced standard. From that determination, Dobson will determine if any phones already in its inventory are among those models or, if not, whether any of the identified models will work effectively in Dobson's existing network infrastructure.⁶ At that point, Dobson will promptly place an order with its handset vendors for sufficient inventory of newly compliant dual-band HAC handsets.⁷ However, Dobson must note that it cannot be sure today that the vendors will be able to fill the order on a timely basis, in light of what is certain to be a significant demand for such handsets from all of the manufacturers (and from Dobson's vendors themselves).

Moreover, even after these handsets are initially delivered, Dobson will need time before they are actually available for sale to subscribers. To start, Dobson will need to test handset features, insert Subscriber Identity Module ("SIM") cards, and otherwise ensure that these newly offered handsets are interoperable with Dobson's network.⁸ Thereafter, Dobson will need to deliver compliant handsets to its more than 220 retail outlets spread over the sixteen states in which it operates, most in rural areas. And in addition to stocking the phones, Dobson will need time to train retail staff on in-store testing procedures for specific models as well as the outreach program created in, and imposed by, the *Order*. Dobson will take all commercially reasonable efforts to expedite this process, but fully anticipates that even with a sixty day extension – and

⁶ It is anticipated that the first inquiry – which handset models are available for purchase by Dobson – can be completed not later than September 23, 2005.

⁷ Dobson pledges to place an order for a sufficient number of such handsets to meet its initial obligations by September 26, 2005.

⁸ Dobson takes the quality of its service offerings quite seriously, and it has been the company's experience that not all handset models work efficiently and effectively to provide a high quality of feature rich services in each carrier's network. Before actually offering any handset to subscribers, Dobson undergoes such testing, and would expect to do so for HAC compliant phones as well.

assuming that vendors are able to timely fill its inventory requirements – it will be hard pressed to satisfy the requirements much before the extension expires.

For all of the above-described reasons, Dobson believes that good cause exists for providing a relatively short transition period in which it can come into compliance with the newly constructed requirements. Therefore, in addition to the temporary relief granted by the Commission in the *Order*, Dobson requests an additional sixty day waiver of the September 16, 2005 deadline in which it may come into compliance with Section 20.19(c)(2)(i) of the Commission's rules.

Respectfully submitted,

DOBSON COMMUNICATIONS CORPORATION

By: /s/ Ronald L. Ripley
Ronald L. Ripley, Esq.
Senior Vice President & General Counsel
Dobson Communications Corporation
14201 Wireless Way
Oklahoma City, OK 73134
(405) 529-8500

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